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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES BARRETT,

Defendant.

CASE NO. 1:22-CR-00213-ADA-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
AND ORDER

DATE: September 28, 2022

TIME: 1:00pm

COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on September 28, 2022.
2. By this stipulation, defendant now moves to continue the status conference until November 9, 2022, and to exclude time between September 28, 2022, and November 9, 2022, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that initial discovery associated with this case has been provided. The government anticipates providing additional discovery in this matter and is aware of its ongoing discovery obligations.
 - b) The government is amenable to providing a plea offer if requested.

1 c) Counsel for defendant desires additional time to confer with his client about a
2 possible resolution, to review discovery, and to otherwise prepare for trial.

3 d) Counsel for defendant believes that failure to grant the above-requested
4 continuance would deny him/her the reasonable time necessary for effective preparation, taking
5 into account the exercise of due diligence.

6 e) The government does not object to the continuance.

7 f) Based on the above-stated findings, the ends of justice served by continuing the
8 case as requested outweigh the interest of the public and the defendant in a trial within the
9 original date prescribed by the Speedy Trial Act.

10 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 et seq., within which trial must commence, the time period of September 28, 2022, to November
12 9, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
13 Code T4] because it results from a continuance granted by the Court at defendant's request on
14 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
15 best interest of the public and the defendant in a speedy trial.

16 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
17 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
18 must commence.

19
20 IT IS SO STIPULATED.

21 Dated: September 21, 2022

PHILLIP A. TALBERT
United States Attorney

23 /s/ JESSICA A. MASSEY
JESSICA A. MASSEY
Assistant United States Attorney

25
26 Dated: September 21, 2022

/s/ TIMOTHY P. HENNESSY
TIMOTHY P. HENNESSY
Counsel for Defendant
CHARLES BARRETT

ORDER

IT IS SO ORDERED that the status conference is continued from September 28, 2022, to **November 9, 2022, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **September 21, 2022**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE